



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.2889 of 2026

Mohammed Rafik

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
W-25 All Women Police Station,
T Nagar, Chennai.
(Crime No.01 of 2026)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.01 of 2026 on the file of the respondent police.

For Petitioner : M/s.P.Sumathi

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.01.2026 for the alleged offences punishable under Sections 137(ii) of BNS and Sections 5(m)(i) read with 6(i) of the POCSO Act, 2012 in Crime No.01 of 2026, registered on the file of the respondent police, seeks bail.



2. The allegation against the petitioner is that, while the victim and her mother were alone, the petitioner took advantage of the visual impairment of the victim's mother, and under the pretext of helping them, took the victim on a two wheeler and committed sexual assault on the child, thereby causing serious injury to the private parts of the victim. Hence, a case has been registered and the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that the petitioner was arrested prior to the arrest recorded in arrest memo and he has been attacked by the police and that he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner taking advantage of the visual impairment of the victim's mother and also taking advantage of the victim, aged about 7 years committed sexual assault on the victim girl and that the investigation in this case is pending. Hence, he opposed to grant bail to the petitioner.

5. This Court on perusal of the statement of the victim girl and other connected materials, finds that the allegation is one of sexual assault and not penetrative sexual assault and the fact that the petitioner is in judicial custody since 05.01.2026, this Court is inclined to grant bail to the petitioner with



certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each, for a like sum to the satisfaction of the learned **Metropolitan Magistrate No.XVII, Saidapet,** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail



by the learned Magistrate/Trial Court himself, as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

10.02.2026

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Metropolitan Magistrate, No.XVII, Saidapet.
- 2.The Inspector of Police,
W-25 All Women Police Station,
T Nagar, Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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